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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/873,564

06/04/2001

Mark Josephus Lucien Maria Van Dommelen

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05/21/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LEVI, DAMEON E

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/873,564

Applicant(s)

VAN DOMMELEN ET AL.

Examiner

Dameon E Levi

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on BPAI Decision 03/15/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**  
**REOPENED PROSECUTION**

In response to the decision rendered by the Board of Patent Appeals and Interferences dated 03/15/2004, and, upon further considerations, the Examiner herein reopens prosecution of the instant application. A new rejection of the claims follows below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verschueren US Patent 5612285 in view of Whitman et al US Patent 5723937.**

**Regarding claim 1**, Verschueren discloses a high pressure discharge lamp comprising: a discharge vessel which is enveloped with clearance by an outer bulb provided with a lamp cap, which outer bulb is translucent, characterized in that the outer bulb is substantially tubular in shape (for example, see elements 3,1,2, Fig 1).

Verschueren does not disclose that the outer bulb is provided with a light-scattering layer.

Whitman et al discloses a discharge lamp wherein the outer bulb is provided with a light-scattering layer (for example, see element 26, Figs 1(a) - 3, see column 1, line 45-column 7, line 25)

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Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a light-scattering layer on the outer bulb as taught by Whitman et al in the discharge lamp assembly of Verschueren for the purpose of diffusing the light source image inside the envelope and thereby providing a soft, decorative light effect (cited by Whitman et al column 2, lines 5-10).

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verschueren US Patent 5612285 in view of Whitman et al US Patent 5723937 and further in view of Kinczel et al US Patent 5004948 and Thornton US Patent 4315193**

**Regarding claim 3,** Verschueren and Whitman et al disclose the instant claimed invention except forming an electrostatic coating by using a light scattering layer. Both Thornton and Kinczel et al disclose electrostatic coating processes for light scattering layers (for example, see Thornton column 3, line 67- column 4, line 2, see Kinczel et al column 7, line 55 – column 8, line 16).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the electrostatic coating processes for the light scattering layer as taught by Thornton and Kinczel in the lamp assembly as taught by Verschueren and Whitman et al as such processes are old in the art (see Thornton, Kinczel et al)

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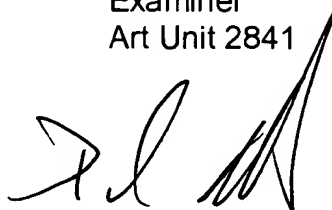
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dameon E Levi whose telephone number is (571) 272-2105. The examiner can normally be reached on Mon.-Fri. (9:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEL

Dameon E Levi  
Examiner  
Art Unit 2841

A handwritten signature in black ink, appearing to read 'D. Martin', is written over the printed name and title of David Martin.

**DAVID MARTIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**